

# **JOURNAL OF THE SENATE**

## **NINETIETH SESSION**

---

ELEVENTH DAY

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STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Wednesday, January 28, 2015

The Senate convened at 2:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Deacon Denny Davis, followed by the Pledge of Allegiance led by Senate pages Katie Winckler and Connor Hickman.

Roll Call: All members present.

### **APPROVAL OF THE JOURNAL**

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the tenth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,  
Corey Brown, Chair

Which motion prevailed.

**REPORTS OF STANDING COMMITTEES**

MR. PRESIDENT:

The Committee on Local Government respectfully reports that it has had under consideration SB 78 and returns the same with the recommendation that said bill be amended as follows:

78ya

On page 1, line 6, of the printed bill, after "optometric," insert "chiropractic,".

On page 1, line 7, delete "third party" and insert "insurer".

On page 1, line 8, before ", prior" delete "payor".

On page 1, line 8, delete "third party payor" and insert "insurer".

78sta

On page 1, line 2, of the printed bill, delete "third party".

And that as so amended said bill do pass and be placed on the consent calendar.

Also MR. PRESIDENT:

The Committee on Local Government respectfully reports that it has had under consideration SB 74 which was deferred to the 41<sup>st</sup> Legislative Day.

Respectfully submitted,  
Bob Ewing, Chair

Also MR. PRESIDENT:

The Committee on Taxation respectfully reports that it has had under consideration SB 44 which was deferred to the 41<sup>st</sup> Legislative Day.

Respectfully submitted,  
Jeff Monroe, Chair

1 Also MR. PRESIDENT:

2 The Committee on Health and Human Services respectfully reports that it has had under  
3 consideration HB 1045 and returns the same with the recommendation that said bill do pass and  
4 be placed on the consent calendar.

5 Respectfully submitted,  
6 Bruce Rampelberg, Chair

7 Also MR. PRESIDENT:

8 The Committee on Transportation respectfully reports that it has had under consideration  
9 SB 41 and returns the same with the recommendation that said bill do pass.

10 Also MR. PRESIDENT:

11 The Committee on Transportation respectfully reports that it has had under consideration  
12 SB 79 which was deferred to the 41<sup>st</sup> Legislative Day.

13 Respectfully submitted,  
14 Mike Vehle, Chair

15 Also MR. PRESIDENT:

16 The Committee on State Affairs respectfully reports that it has had under consideration  
17 SB 71 and returns the same with the recommendation that said bill do pass.

18 Also MR. PRESIDENT:

19 The Committee on State Affairs respectfully reports that it has had under consideration  
20 SB 69 and returns the same with the recommendation that said bill be amended as follows:

21 69fd

22 On page 10, after line 19 of the printed bill, insert:

23 "Section 18. That § 12-6-56 be amended to read as follows:

24 12-6-56. If a vacancy occurs by reason of a death or a withdrawal as authorized by section  
25 19 of this Act after a primary election, a party candidate for public office may be replaced by  
26 a new nominee if a meeting of the appropriate party central committee is held and the results  
27 are certified to the appropriate official within the times prescribed by § 12-8-6. If the vacancy  
28 is a party candidate for presidential elector or statewide office, the vacancy shall be filled by the  
29 State Party Central Committee. If the vacancy is a party candidate for public office other than

1 presidential elector or statewide office, the vacancy shall be filled by a vote of county party  
2 central committee members in attendance who reside in the affected district.

3 Section 19. That chapter 12-6 be amended by adding thereto a NEW SECTION to read as  
4 follows:

5 If a party candidate for public office withdraws after filing petitions with the secretary of  
6 state, the appropriate party central committee may make a replacement nominee only if:

7 (1) The party candidate:

8 (a) Withdraws because of personal illness or illness of an immediate family  
9 member that was diagnosed after the petition filing and the illness prevents the  
10 candidate from performing the duties of the office sought; and

11 (b) Files with the withdrawal request a certificate describing the illness and signed  
12 by at least two licensed physicians;

13 (2) There is no other nominee for the office sought by the withdrawing candidate as of  
14 the time of the withdrawal;

15 (3) The party candidate has been elected or appointed to fill a vacancy in another elective  
16 office which duties conflict by law with the duties of the office sought, has become  
17 the nominee for another elective office, or is deceased; or

18 (4) The party candidate permanently moves from his or her physical address stated in the  
19 nominating petition filed with the secretary of state, and swears and certifies under  
20 oath before the secretary of state that the candidate has not resided in the district for  
21 a period of thirty consecutive calendar days and has no intention of resuming  
22 residency in the district."

23 69ca

24 On page 3, line 23, of the printed bill, overstrike "may not".

25 On page 3, line 23, overstrike "either".

26 On page 3, line 24, after "nominating" insert "for".

27 On page 3, line 24, overstrike "or a nonpolitical".

28 On page 3, line 24, overstrike "if the person has not".

29 On page 4, line 1, overstrike everything before "." .

1 69fe

2 On page 4, line 12, of the printed bill, overstrike "total combined vote cast for Governor  
3 at the last certified gubernatorial election" and insert "voters registered as an independent".

4 On page 10, line 12, overstrike "total combined vote cast for Governor at the" and insert  
5 "voters registered as an independent".

6 On page 10, line 13, overstrike everything before "within" .

7 And that as so amended said bill do pass.

8 Also MR. PRESIDENT:

9 The Committee on State Affairs respectfully reports that it has had under consideration  
10 SB 70 and returns the same with the recommendation that said bill be amended as follows:

11 70ra

12 On page 1, line 10, of the printed bill, after "of" insert "the".

13 On page 1, line 10, delete "present and".

14 70rtb

15 On page 1, line 1, of the printed bill, delete everything after "that" and insert "the  
16 mandatory reporter who witnessed the disclosure or evidence of child abuse or neglect be  
17 available to answer questions when the initial report is made.".

18 On page 1, delete lines 2 and 3.

19 And that as so amended said bill do pass.

20 Respectfully submitted,  
21 Tim Rave, Chair

22 **MESSAGES FROM THE HOUSE**

23 MR. PRESIDENT:

24 I have the honor to transmit herewith HB 1027, 1029, 1044, 1057, 1058, 1065, and 1066  
25 which have passed the House and your favorable consideration is respectfully requested.

1 Also MR. PRESIDENT:

2 I have the honor to transmit herewith HCR 1003 which has been adopted by the House and  
3 your concurrence is respectfully requested.

4 Respectfully,  
5 Arlene Kvislen, Chief Clerk

6 **MOTIONS AND RESOLUTIONS**

7 SCR 2: A CONCURRENT RESOLUTION, endorsing the thirty-first anniversary of sister  
8 state relations with the Republic of China (Taiwan), Taiwan's inclusion in the Trans-Pacific  
9 Partnership (TPP) and Taiwan's participation as an observer in the International Civil Aviation  
10 Organization (ICAO).

11 Was read the second time.

12 Sen. Rave moved that SCR 2 as found on page 183 of the Senate Journal be adopted.

13 The question being on Sen. Rave's motion that SCR 2 be adopted.

14 And the roll being called:

15 Yeas 35, Nays 0, Excused 0, Absent 0

16 Yeas:

17 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);  
18 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);  
19 Lederman; Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson  
20 (Jim); Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen;  
21 Vehle; White

22 So the motion having received an affirmative vote of a majority of the members-elect, the  
23 President declared the motion carried and SCR 2 was adopted.

24 SCR 3: A CONCURRENT RESOLUTION, Recognizing the mutual benefit between  
25 health care sharing and health savings accounts.

26 Was read the second time.

27 Sen. Jensen (Phil) moved that SCR 3 as found on page 185 of the Senate Journal be  
28 adopted.

29 The question being on Sen. Jensen (Phil)'s motion that SCR 3 be adopted.

1 And the roll being called:

2 Yeas 25, Nays 8, Excused 2, Absent 0

3 Yeas:

4 Bradford; Brown; Cammack; Curd; Ewing; Greenfield (Brock); Haggar (Jenna); Haverly;  
5 Heineman (Phyllis); Holien; Jensen (Phil); Lederman; Monroe; Novstrup (David); Olson;  
6 Omdahl; Otten (Ernie); Rampelberg; Rusch; Soholt; Solano; Tieszen; Van Gerpen; Vehle;  
7 White

8 Nays:

9 Buhl O'Donnell; Frerichs; Heinert; Hunhoff (Bernie); Parsley; Peterson (Jim); Sutton; Tidemann

10 Excused:

11 Peters; Rave

12 So the motion having received an affirmative vote of a majority of the members-elect, the  
13 President declared the motion carried and SCR 3 was adopted.

14 HCR 1001: A CONCURRENT RESOLUTION, Recognizing the difference between the  
15 taxes and fees levied by the State of South Dakota.

16 Was read the second time.

17 Sen. Lederman moved that the Senate do concur in HCR 1001 as found on page 142 of the  
18 House Journal.

19 The question being on Sen. Lederman's motion that HCR 1001 be concurred in.

20 And the roll being called:

21 Yeas 24, Nays 11, Excused 0, Absent 0

22 Yeas:

23 Brown; Cammack; Curd; Ewing; Haggar (Jenna); Haverly; Heineman (Phyllis); Holien;  
24 Lederman; Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Peters; Rampelberg;  
25 Rave; Rusch; Solano; Tidemann; Tieszen; Van Gerpen; Vehle; White

26 Nays:

27 Bradford; Buhl O'Donnell; Frerichs; Greenfield (Brock); Heinert; Hunhoff (Bernie); Jensen  
28 (Phil); Parsley; Peterson (Jim); Soholt; Sutton

29 So the motion having received an affirmative vote of a majority of the members-elect, the  
30 President declared the motion carried and HCR 1001 was concurred in.

1 HCR 1002: A CONCURRENT RESOLUTION, Supporting the continued operation of the  
2 D.C. Booth Historic National Fish Hatchery.

3 Was read the second time.

4 Sen. Ewing moved that the Senate do concur in HCR 1002 as found on page 143 of the  
5 House Journal.

6 The question being on Sen. Ewing's motion that HCR 1002 be concurred in.

7 And the roll being called:

8 Yeas 35, Nays 0, Excused 0, Absent 0

9 Yeas:

10 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);  
11 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);  
12 Lederman; Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson  
13 (Jim); Rempelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen;  
14 Vehle; White

15 So the motion having received an affirmative vote of a majority of the members-elect, the  
16 President declared the motion carried and HCR 1002 was concurred in.

17 SCR 4 Introduced by: Senators Peters, Cammack, Frerichs, Haverly, Heinert, Hunhoff  
18 (Bernie), Novstrup (David), Olson, Parsley, Rave, Soholt, Solano, Sutton, Tidemann, and  
19 Tieszen and Representatives Cronin, Beal, Brunner, Conzet, Dryden, Gosch, Hawks, Hawley,  
20 Hunhoff (Jean), Jensen (Alex), Novstrup (Al), Otten (Herman), Partridge, Romkema, Rounds,  
21 Rozum, Sly, Solum, Westra, and Willadsen

22 A CONCURRENT RESOLUTION, Urging Congress to support equity and sales tax fairness.

23 WHEREAS, United States Supreme Court decisions in National Bellas Hess v. Department  
24 of Revenue, 386 U.S. 753 (1967) and Quill Corp. v. North Dakota, 504 U.S. 298 (1992), have  
25 ruled that the Commerce Clause of the United States Constitution denies states the authority to  
26 require the collection of sales and use taxes by remote sellers that have no physical presence in  
27 the taxing state; and

28 WHEREAS, the United States Supreme Court also declared in the Quill v. North Dakota  
29 decision that Congress could exercise its authority under the Commerce Clause of the United  
30 States Constitution to decide "whether, when, and to what extent" the states may require sales  
31 and use tax collection on remote sales; and

32 WHEREAS, states and localities that use sales and use taxes as a revenue source may not  
33 collect revenue from some portion of remote sales commerce; and



1 WHEREAS, since 1999, various state legislators, governors, local elected officials, state tax  
2 administrators, and representatives of the private sector have worked together as the Streamlined  
3 Sales Tax States to develop a streamlined sales and use tax system currently adopted in some  
4 form in twenty-four states; and

5 WHEREAS, between 2001 and 2002, forty states enacted legislation expressing their intent  
6 to simplify the states' sales and use tax collection systems, and to participate in discussions to  
7 allow for the collection of states' sales and use taxes; and

8 WHEREAS, the actions of these states arguably provide some justification for Congress to  
9 enact legislation to allow states to require remote sellers to collect the states' sales and use tax;  
10 and

11 WHEREAS, any federal legislation should be fair to both in-state and remote sellers and  
12 purchasers, whether such legislation requires sales and use taxes to be collected on a  
13 point-of-sales or point-of-delivery basis; and

14 WHEREAS, Congress, in considering federal legislation, should consider the following  
15 principles:

16 (1) State-provided or state-certified tax collection and remittance software that is simple  
17 to implement and maintain;

18 (2) Immunity from civil liability for retailers utilizing state-provided or state-certified  
19 software in tax collection and remittance;

20 (3) Tax audit accountability to a single state tax audit authority;

21 (4) Elimination of interstate tax complexity by streamlining taxable good categories;

22 (5) Adoption of a meaningful small business exception so that small businesses that sell  
23 remotely are not adversely affected by the legislation; and

24 (6) Fair compensation to the tax-collecting retailer; and

25 WHEREAS, the South Dakota State Legislature and some of its sister legislatures in other  
26 states have acknowledged the complexities of the current sales and use tax system, have  
27 formulated varied alternative collection systems, and have shown the political will to make  
28 changes in their respective sales and use tax systems; and

29 WHEREAS, the enactment of legislation by Congress and the President that allows states  
30 to require remote sellers to collect the states' sales and use taxes, will facilitate the states' ability  
31 to enforce their current laws for collecting sales and use taxes on remote sales; and

32 WHEREAS, requiring remote sellers to collect the sales and use taxes may broaden South  
33 Dakota's sales tax base and potentially enable the South Dakota State Legislature to lower sales  
34 and use tax rates; and

1 WHEREAS, empowering states to collect sales and use taxes on in-state and remote sales  
2 is consistent with the 10th Amendment to the United States Constitution and is a states' rights  
3 issue; and

4 WHEREAS, adoption of the hybrid origin sourcing concept being considered will:

- 5 (1) Create an unlevel playing field between in-state and remote sellers by giving an  
6 advantage to those remote sellers located in the lowest rate state;
- 7 (2) Result in a tax increase on all purchasers who make purchases from remote sellers  
8 located in any taxing jurisdiction with a rate higher than the rate in the purchaser's  
9 jurisdiction;
- 10 (3) Require purchasers to pay sales or use tax on certain purchases from remote sellers  
11 that are currently exempt from sales and use tax;
- 12 (4) Require sellers that make both remote and non-remote sales to have two tax  
13 calculation systems operating simultaneously;
- 14 (5) Put the sales and use tax revenues of a state that are generated by remote sales into  
15 the hands of the other states; and
- 16 (6) Likely cause the sales and use tax revenues to decline as sellers and purchasers  
17 develop methods to legally circumvent paying sales and use taxes;

18 NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Ninetieth Legislature of the  
19 State of South Dakota, the House of Representatives concurring therein, that the Legislature  
20 urges the United States House of Representatives and the United States Senate to pass, without  
21 delay, and the President of the United States to sign, federal legislation that provides for the fair  
22 and constitutional collection of state sales and use taxes; and

23 BE IT FURTHER RESOLVED, that the Legislature of the State of South Dakota urges that,  
24 in passing such legislation, Congress consider the following principles:

- 25 (1) State-provided or state-certified tax collection and remittance software that is simple  
26 to implement and maintain;
- 27 (2) Immunity from civil liability for retailers utilizing state-provided or state-certified  
28 software in tax collection and remittance;
- 29 (3) Tax audit accountability to a single state tax audit authority;
- 30 (4) Elimination of interstate tax complexity by streamlining taxable good categories;
- 31 (5) Adoption of a meaningful small business exception so that small businesses that sell  
32 remotely are not adversely affected by the legislation; and
- 33 (6) Fair compensation to the tax-collecting retailer; and

1 BE IT FURTHER RESOLVED, that the Legislature of the State of South Dakota,  
2 recognizing that such legislation may not include all of these principles, declares that Congress'  
3 passage of the legislation will help create consistent standards for retailers forced to collect state  
4 sales and use taxes, thus leveling the playing field between in-state and remote sellers; and

5 BE IT FURTHER RESOLVED, that this resolution be sent to the President of the United  
6 States, the Majority and Minority Leaders of the United States Senate, the Speaker and Minority  
7 Leader of the United States House of Representatives, and to the members of South Dakota's  
8 congressional delegation.

9 Was read the first time, the President waived the referral to committee, and placed SCR 4  
10 on the calendar of Thursday, January 29, the 12<sup>th</sup> legislative day.

11 HCR 1003: A CONCURRENT RESOLUTION, Urging Congress and the President of the  
12 United States to abolish the United States Department of Education.

13 Was read the first time, the President waived the referral to committee, and placed HCR  
14 1003 on the calendar of Thursday, January 29, the 12th legislative day.

15 Sen. Rave moved that SB 63, 67, 66, and 39 be placed to follow SB 33 on today's calendar.

16 Which motion prevailed.

## 17 **CONSIDERATION OF REPORTS OF COMMITTEES**

18 Sen. Rave moved that the report of the Standing Committee on

19 Agriculture and Natural Resources on SB 45 as found on page 181 of the Senate Journal  
20 be adopted.

21 Which motion prevailed.

## 22 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

23 The President declared that SB 6, 7, and 96 were withdrawn at the request of the prime  
24 sponsors pursuant to Joint Rule 6B-1.1.

25 SB 118 Introduced by: Senators Rampelberg, Brown, Heinert, Holien, and Novstrup  
26 (David) and Representatives Heinemann (Leslie), Bolin, Hawley, Munsterman, Sly, and  
27 Willadsen

1 FOR AN ACT ENTITLED, An Act to provide additional transparency for prescription  
2 drug plans.

3 Was read the first time and referred to the Committee on Commerce and Energy.

4 SB 119 Introduced by: Senator Holien and Representative Solum

5 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding abandoned  
6 mobile and manufactured homes.

7 Was read the first time and referred to the Committee on Taxation.

8 SB 120 Introduced by: Senators Tidemann, Bradford, Brown, Frerichs, Haverly, Hunhoff  
9 (Bernie), Novstrup (David), Omdahl, Parsley, Peters, Peterson (Jim), Rave, Tieszen, and White  
10 and Representatives Munsterman, Anderson, Beal, Bolin, Cronin, Dryden, Duvall, Hawks,  
11 Hawley, Hunhoff (Jean), Jensen (Alex), Klumb, May, Mickelson, Peterson (Kent), Romkema,  
12 Rounds, Solum, Wiik, and Wollmann

13 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding special alcoholic  
14 beverage licenses issued in conjunction with special events.

15 Was read the first time and referred to the Committee on Commerce and Energy.

16 SB 121 Introduced by: Senators Hunhoff (Bernie), Bradford, Buhl O'Donnell, Heinert,  
17 Parsley, Peterson (Jim), and Sutton and Representatives Hickey, Bartling, Bordeaux, Feickert,  
18 Heinemann (Leslie), Johns, Killer, Kirschman, Munsterman, Ring, Schoenbeck, Schoenfish,  
19 Schrempp, and Soli

20 FOR AN ACT ENTITLED, An Act to prospectively repeal the death penalty.

21 Was read the first time and referred to the Committee on State Affairs.

22 SB 122 Introduced by: Senators Hunhoff (Bernie), Bradford, Haverly, Holien, Parsley,  
23 Rampelberg, Rusch, and Sutton and Representatives Hickey, Gibson, Hawks, and Schoenfish

24 FOR AN ACT ENTITLED, An Act to revise provisions related to the death penalty.

25 Was read the first time and referred to the Committee on State Affairs.

26 SB 123 Introduced by: Senators Hunhoff (Bernie), Rampelberg, and Sutton and  
27 Representatives Gibson, Deutsch, Hawley, Hickey, and Wiik

1 FOR AN ACT ENTITLED, An Act to prohibit an employer from requiring an employee  
2 or applicant to provide passwords to personal accounts.

3 Was read the first time and referred to the Committee on Judiciary.

4 SB 124 Introduced by: Senators Peters, Otten (Ernie), and Rave and Representatives Otten  
5 (Herman), Hawks, and Sly

6 FOR AN ACT ENTITLED, An Act to revise the requirements for a petition for a minor  
7 boundary change.

8 Was read the first time and referred to the Committee on Education.

9 SB 125 Introduced by: Senator Rave and Representatives Westra and Otten (Herman)

10 FOR AN ACT ENTITLED, An Act to revise the minimum suspension requirements for  
11 students participating in extracurricular activities.

12 Was read the first time and referred to the Committee on Education.

13 SB 126 Introduced by: Senators Greenfield (Brock) and Buhl O'Donnell and  
14 Representatives Harrison and Kirschman

15 FOR AN ACT ENTITLED, An Act to revise certain publications date citations for  
16 references to the International Building Code and International Property Maintenance Code.

17 Was read the first time and referred to the Committee on Local Government.

18 SB 127 Introduced by: Senators Rusch, Ewing, Greenfield (Brock), Lederman, and Omdahl  
19 and Representatives Rasmussen, Hunt, Johns, Latterell, Schoenbeck, Schoenfish, and Stevens

20 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding operation of hog  
21 confinement facilities.

22 Was read the first time and referred to the Committee on Agriculture and Natural  
23 Resources.

24 SB 128 Introduced by: Senators Cammack, Brown, Buhl O'Donnell, Ewing, Frerichs,  
25 Greenfield (Brock), Haggard (Jenna), Haverly, Heinert, Holien, Hunhoff (Bernie), Jensen (Phil),  
26 Lederman, Novstrup (David), Olson, Otten (Ernie), Peters, Peterson (Jim), Rampelberg, Rave,  
27 Rusch, Solano, Sutton, Tieszen, and Vehle and Representatives Qualm, Anderson, Beal, Bolin,  
28 Brunner, Campbell, Conzet, Craig, Deutsch, DiSanto, Dryden, Duvall, Feickert, Greenfield  
29 (Lana), Harrison, Heinemann (Leslie), Hickey, Holmes, Hunhoff (Jean), Johns, Kaiser,

1 Kirschman, Klumb, Langer, Latterell, Marty, May, Novstrup (Al), Otten (Herman), Partridge,  
2 Peterson (Kent), Rasmussen, Ring, Romkema, Rounds, Rozum, Russell, Schoenbeck,  
3 Schoenfish, Sly, Stevens, Tulson, Verchio, Wiik, Willadsen, Wollmann, and Zikmund

4 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the general  
5 requirements that vehicle owners must satisfy before applying for military plates.

6 Was read the first time and referred to the Committee on Transportation.

7 SB 129 Introduced by: Senators Olson, Ewing, Heinert, and Peterson (Jim) and  
8 Representatives Brunner, Feickert, Klumb, May, and Schrempp

9 FOR AN ACT ENTITLED, An Act to revise provisions relating to trespass associated with  
10 hunting, fishing, or trapping.

11 Was read the first time and referred to the Committee on Agriculture and Natural  
12 Resources.

13 SB 130 Introduced by: Senators Peters and Rave and Representatives Cronin, Conzet, and  
14 Novstrup (Al)

15 FOR AN ACT ENTITLED, An Act to require online marketplace platforms to report  
16 businesses using the platform to ensure the health and safety of consumers buying products over  
17 the internet.

18 Was read the first time and referred to the Committee on Commerce and Energy.

19 SB 131 Introduced by: Senators Tidemann, Bradford, Brown, Curd, Ewing, Frerichs,  
20 Greenfield (Brock), Heinert, Hunhoff (Bernie), Lederman, Monroe, Olson, Parsley, Peterson  
21 (Jim), Rampelberg, Sutton, and Tieszen and Representatives Solum, Bolin, Brunner, Craig,  
22 Cronin, Feickert, Hawley, Heinemann (Leslie), Hunt, Klumb, Latterell, Otten (Herman), Qualm,  
23 Schaefer, Schoenfish, Sly, Verchio, Westra, Wiik, and Wollmann

24 FOR AN ACT ENTITLED, An Act to establish certain provisions regarding stray electrical  
25 current and voltage remediation.

26 Was read the first time and referred to the Committee on Agriculture and Natural  
27 Resources.

28 SB 132 Introduced by: Senator Rave and Representative Sly

29 FOR AN ACT ENTITLED, An Act to allow school districts to recruit or retain teachers  
30 by providing certain financial incentives.

1 Was read the first time and referred to the Committee on Education.

2 SB 133 Introduced by: Senators Rave and Lederman and Representatives Hunhoff (Jean)  
3 and Langer

4 FOR AN ACT ENTITLED, An Act to require all students leaving an accredited school for  
5 an alternative education program to wait one year before participating in interscholastic  
6 activities.

7 Was read the first time and referred to the Committee on Education.

8 SB 134 Introduced by: Senators Rave and Sutton and Representatives Gosch and Hawley

9 FOR AN ACT ENTITLED, An Act to accommodate legislation to revise the capital outlay  
10 property tax levy for school districts.

11 Was read the first time and referred to the Committee on State Affairs.

12 SB 135 Introduced by: Senators Brown, Buhl O'Donnell, Ewing, Greenfield (Brock),  
13 Lederman, Monroe, Parsley, Peters, Rave, Rusch, Soholt, Tidemann, Tieszen, and White and  
14 Representatives Munsterman, Brunner, Conzet, Cronin, Duvall, Gibson, Haggar (Don),  
15 Harrison, Hawks, Hawley, Hickey, Hunhoff (Jean), Hunt, Johns, Kirschman, Klumb, Langer,  
16 Otten (Herman), Rasmussen, Ring, Romkema, Rounds, Rozum, Schoenfish, Stevens, Tulson,  
17 Verchio, Willadsen, Wink, and Zikmund

18 FOR AN ACT ENTITLED, An Act to authorize municipalities to impose an additional  
19 sales and use tax for a limited period of time for a specified use.

20 Was read the first time and referred to the Committee on State Affairs.

21 SB 136 Introduced by: Senators Brown, Ewing, Frerichs, Greenfield (Brock), Monroe,  
22 Novstrup (David), Parsley, and Peterson (Jim) and Representatives Novstrup (Al), Cronin,  
23 Duvall, Greenfield (Lana), Haggar (Don), Heinemann (Leslie), Rozum, Solum, Wiik,  
24 Willadsen, and Wollmann

25 FOR AN ACT ENTITLED, An Act to exclude municipal sales and use taxes from the  
26 gross receipts used to determine the tax liability of electric cooperatives.

27 Was read the first time and referred to the Committee on Taxation.

1 SB 137 Introduced by: Senator Brown and Representative Wink

2 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the term of the  
3 Executive Board of the Legislative Research Council.

4 Was read the first time and referred to the Committee on State Affairs.

5 SB 138 Introduced by: Senator Lederman and Representatives Anderson, Hickey, and  
6 Werner

7 FOR AN ACT ENTITLED, An Act to eliminate an exemption for single-family homes  
8 regarding certain asbestos removal provisions.

9 Was read the first time and referred to the Committee on Commerce and Energy.

10 SB 139 Introduced by: Senators Lederman, Brown, Curd, Heineman (Phyllis), Heinert,  
11 Holien, Peters, Peterson (Jim), Rave, Sutton, Tidemann, and Tieszen and Representatives  
12 Westra, Beal, Cronin, Dryden, Hawley, Jensen (Alex), Kirschman, Romkema, Rounds, Solum,  
13 Werner, and Wink

14 FOR AN ACT ENTITLED, An Act to authorize the increase in the number of video lottery  
15 machines that may be placed in a licensed establishment under certain conditions.

16 Was read the first time and referred to the Committee on Commerce and Energy.

17 SB 140 Introduced by: Senator Lederman and Representative Westra

18 FOR AN ACT ENTITLED, An Act to accommodate legislation relating to education in  
19 South Dakota.

20 Was read the first time and referred to the Committee on State Affairs.

21 SB 141 Introduced by: Senator Lederman and Representative Westra

22 FOR AN ACT ENTITLED, An Act to accommodate legislation on medical services.

23 Was read the first time and referred to the Committee on State Affairs.

24 SB 142 Introduced by: Senator Lederman and Representative Westra

25 FOR AN ACT ENTITLED, An Act to enhance South Dakota.

26 Was read the first time and referred to the Committee on State Affairs.



1 SB 143 Introduced by: Senators Sutton, Brown, Cammack, Frerichs, Heinert, Hunhoff  
2 (Bernie), Jensen (Phil), Lederman, Olson, Parsley, Peterson (Jim), Rampelberg, and Rave and  
3 Representatives Bartling, Gibson, Hawley, Otten (Herman), and Qualm

4 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding group hunting  
5 and possession of firearms.

6 Was read the first time and referred to the Committee on Agriculture and Natural  
7 Resources.

8 SB 144 Introduced by: Senators Sutton, Bradford, Buhl O'Donnell, Frerichs, Heinert,  
9 Hunhoff (Bernie), Parsley, and Peterson (Jim) and Representatives Hawks, Bartling, Gibson,  
10 Hawley, Killer, Kirschman, Ring, and Soli

11 FOR AN ACT ENTITLED, An Act to establish a tuition reimbursement program for  
12 certain teachers who teach in rural school districts.

13 Was read the first time and referred to the Committee on Appropriations.

14 SB 145 Introduced by: Senators Sutton and Heinert and Representatives Bartling and  
15 Hawley

16 FOR AN ACT ENTITLED, An Act to accommodate legislation to increase teacher pay in  
17 South Dakota.

18 Was read the first time and referred to the Committee on Appropriations.

19 SB 146 Introduced by: Senators Peterson (Jim), Bradford, Brown, Buhl O'Donnell,  
20 Cammack, Frerichs, Heinert, Holien, Hunhoff (Bernie), Omdahl, Parsley, Solano, Sutton,  
21 Tidemann, Van Gerpen, and Vehle and Representatives Hawley, Bartling, Beal, Bolin, Craig,  
22 Deutsch, Feickert, Haugaard, Hawks, Hunt, Kaiser, Kirschman, McCleerey, Ring, Schoenbeck,  
23 Soli, Solum, Tulson, Verchio, Werner, Wiik, Wollmann, and Zikmund

24 FOR AN ACT ENTITLED, An Act to authorize funding for an honor guard detail for  
25 deceased veterans and to make an appropriation therefor.

26 Was read the first time and referred to the Committee on Appropriations.

27 SB 147 Introduced by: Senators Hunhoff (Bernie), Bradford, Frerichs, Parsley, and Sutton  
28 and Representatives Hawley, Bartling, Gibson, Hawks, Killer, Kirschman, Ring, and Soli

29 FOR AN ACT ENTITLED, An Act to expand Medicaid.

30 Was read the first time and referred to the Committee on Appropriations.

1 SB 148 Introduced by: Senator Vehle and Representative Duvall

2 FOR AN ACT ENTITLED, An Act to increase the tax on certain motor fuels to finance  
3 improvements on the public highways and bridges.

4 Was read the first time.

5 SB 149 Introduced by: Senators Vehle, Ewing, Holien, Omdahl, Parsley, Soholt,  
6 Tidemann, Tieszen, and White and Representatives Duvall, Hunhoff (Jean), Klumb, Rozum,  
7 Schaefer, Verchio, Werner, and Willadsen

8 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the maximum  
9 wheel tax that may be imposed by a county.

10 Was read the first time.

11 SB 150 Introduced by: Senators Vehle, Cammack, Ewing, Holien, Omdahl, Parsley,  
12 Peterson (Jim), Rampelberg, Soholt, Tidemann, Tieszen, and White and Representatives Duvall,  
13 Anderson, Hunhoff (Jean), Klumb, Rozum, Schaefer, Verchio, Werner, and Willadsen

14 FOR AN ACT ENTITLED, An Act to require certain motor vehicles to pay an additional  
15 registration fee.

16 Was read the first time.

17 SB 151 Introduced by: Senators Vehle, Ewing, Holien, Omdahl, Parsley, Rampelberg,  
18 Soholt, Tidemann, Tieszen, and White and Representatives Duvall, Anderson, Hunhoff (Jean),  
19 Rozum, Schaefer, Verchio, Werner, and Willadsen

20 FOR AN ACT ENTITLED, An Act to revise the distribution of the revenue from  
21 petroleum release compensation and tank inspection fees.

22 Was read the first time.

23 SB 152 Introduced by: Senators Rampelberg, Bradford, Ewing, Haverly, Hunhoff (Bernie),  
24 Olson, Solano, and Tieszen and Representatives Verchio, Brunner, Campbell, Conzet, Dryden,  
25 Harrison, Johns, May, Partridge, Romkema, and Solum

26 FOR AN ACT ENTITLED, An Act to make an appropriation for certain costs related to  
27 mountain pine beetle suppression and to declare an emergency.

28 Was read the first time and referred to the Committee on Appropriations.

1 SB 153 Introduced by: Senators Tidemann and Brown and Representative Hawley

2 FOR AN ACT ENTITLED, An Act to repeal the South Dakota certified site and  
3 technology park programs.

4 Was read the first time and referred to the Committee on Education.

5 SB 154 Introduced by: Senators Frerichs, Brown, Greenfield (Brock), Holien, Parsley, and  
6 Peterson (Jim) and Representatives Zikmund, Feickert, Hawley, Schoenbeck, and Tulson

7 FOR AN ACT ENTITLED, An Act to require that certain employees of the Department  
8 of Veterans Affairs be veterans.

9 Was read the first time and referred to the Committee on Judiciary.

10 SB 155 Introduced by: Senators Buhl O'Donnell, Bradford, Heinert, Holien, Jensen (Phil),  
11 Olson, Parsley, Solano, Sutton, and Vehle and Representatives Gibson, Hawks, Killer,  
12 Kirschman, Langer, Novstrup (Al), and Soli

13 FOR AN ACT ENTITLED, An Act to establish a voluntary list of disassociated persons  
14 for exclusion or removal from licensed gaming institutions.

15 Was read the first time and referred to the Committee on Commerce and Energy.

16 SB 156 Introduced by: Senators Buhl O'Donnell, Bradford, Frerichs, Heinert, Parsley, and  
17 Sutton and Representatives Killer, Gibson, Hawks, Kirschman, and Soli

18 FOR AN ACT ENTITLED, An Act to require a minimum amount of paid sick leave for  
19 employees.

20 Was read the first time and referred to the Committee on Commerce and Energy.

21 SB 157 Introduced by: Senators Greenfield (Brock), Curd, Monroe, and Olson and  
22 Representatives Novstrup (Al), Bolin, Greenfield (Lana), Kaiser, Klumb, Latterell, May,  
23 Rozum, and Tulson

24 FOR AN ACT ENTITLED, An Act to make an appropriation to the state aeronautics fund.

25 Was read the first time and referred to the Committee on Appropriations.

26 SB 158 Introduced by: Senators Greenfield (Brock), Ewing, Haggar (Jenna), Lederman,  
27 Monroe, Parsley, and Van Gerpen and Representatives Brunner, Bartling, Campbell, Craig,  
28 Harrison, Hawley, Marty, May, Qualm, Schrempp, Stalzer, Verchio, and Zikmund

1 FOR AN ACT ENTITLED, An Act to expand certain licensing exemptions regarding  
2 money lenders and mortgage lenders.

3 Was read the first time and referred to the Committee on Commerce and Energy.

4 SB 159 Introduced by: Senator Greenfield (Brock) and Representatives Rozum, Bolin,  
5 Brunner, DiSanto, Klumb, Latterell, and Zikmund

6 FOR AN ACT ENTITLED, An Act to exempt certain amateur sports coaches from sales  
7 and use tax.

8 Was read the first time and referred to the Committee on Taxation.

9 SB 160 Introduced by: Senator Greenfield (Brock) and Representatives Greenfield (Lana)  
10 and Latterell

11 FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to the operation  
12 of motor vehicles.

13 Was read the first time and referred to the Committee on Transportation.

14 SB 161 Introduced by: Senators Greenfield (Brock) and Lederman and Representatives  
15 Latterell and DiSanto

16 FOR AN ACT ENTITLED, An Act to allow certain fireworks to be used all year.

17 Was read the first time and referred to the Committee on Commerce and Energy.

18 SB 162 Introduced by: Senators Greenfield (Brock) and Olson and Representatives  
19 DiSanto, Latterell, Russell, and Stalzer

20 FOR AN ACT ENTITLED, An Act to permit certain legislators to carry concealed firearms  
21 in the State Capitol Building under certain conditions

22 Was read the first time and referred to the Committee on Judiciary.

23 SB 163 Introduced by: Senators Rampelberg, Heineman (Phyllis), Lederman, Novstrup  
24 (David), Olson, and Van Gerpen and Representatives May, Bordeaux, Brunner, Gibson,  
25 Hawley, Killer, Kirschman, Mickelson, Novstrup (Al), Sly, and Zikmund

26 FOR AN ACT ENTITLED, An Act to make an appropriation to fund the Teach for  
27 America grant program.

1 Was read the first time and referred to the Committee on Appropriations.

2 SB 164 Introduced by: Senators Jensen (Phil), Greenfield (Brock), Haggar (Jenna), Holien,  
3 Lederman, Monroe, Olson, and Rampelberg and Representatives Haggar (Don), Anderson,  
4 Brunner, Campbell, Craig, DiSanto, Feickert, Greenfield (Lana), Haugaard, Hawley, Hickey,  
5 Kaiser, Klumb, Langer, Latterell, Marty, May, McCleerey, Partridge, Qualm, Rasmussen,  
6 Rounds, Russell, Schoenfish, Soli, Stalzer, Tulson, Verchio, Werner, Wiik, and Zikmund

7 FOR AN ACT ENTITLED, An Act to require students to take a civics test to demonstrate  
8 knowledge of United States history and government.

9 Was read the first time and referred to the Committee on State Affairs.

10 SJR 2 Introduced by: Senators Hunhoff (Bernie) and Rampelberg and Representatives  
11 Brunner and Ring

12 A JOINT RESOLUTION, Proposing and submitting to the electors at the next general  
13 election a new section to Article XI of the Constitution of the State of South Dakota, relating  
14 to the imposition of an education franchise tax on profits of corporations and dedication of the  
15 revenue therefrom.

16 Was read the first time and referred to the Committee on State Affairs.

17 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

18 HB 1027: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the  
19 regulation of certain money lending activities.

20 Was read the first time and referred to the Committee on Commerce and Energy.

21 HB 1029: FOR AN ACT ENTITLED, An Act to revise certain requirements regarding high  
22 performance building design and construction standards for newly constructed or renovated  
23 state-owned buildings.

24 Was read the first time and referred to the Committee on State Affairs.

25 HB 1044: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding  
26 educational personnel certification and discipline.

27 Was read the first time and referred to the Committee on Education.

1 HB 1057: FOR AN ACT ENTITLED, An Act to make an appropriation to reimburse  
2 certain eligible health care professionals who have complied with the requirements of the rural  
3 health care facility recruitment assistance program and to declare an emergency.

4 Was read the first time and referred to the Committee on Appropriations.

5 HB 1058: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding  
6 contagious disease control quarantine measures.

7 Was read the first time and referred to the Committee on Health and Human Services.

8 HB 1065: FOR AN ACT ENTITLED, An Act to revise certain provisions related to voting  
9 trusts and agreements.

10 Was read the first time and referred to the Committee on Judiciary.

11 HB 1066: FOR AN ACT ENTITLED, An Act to clarify that the required notice  
12 requirements related to continuing contracts do not apply to employees of postsecondary  
13 technical institutes.

14 Was read the first time and referred to the Committee on Education.

#### 15 **CONSIDERATION OF CONSENT EXECUTIVE APPOINTMENTS**

16 The Senate proceeded to the consideration of the executive reappointment of Catherine M.  
17 Peterson of McCook County, Salem, South Dakota, to the Game Fish, and Parks Commission.

18 The question being "Does the Senate advise and consent to the executive reappointment  
19 of Catherine M. Peterson pursuant to the executive message as found on page 72 of the Senate  
20 Journal?"

21 And the roll being called:

22 Yeas 35, Nays 0, Excused 0, Absent 0

23 Yeas:

24 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);  
25 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);  
26 Lederman; Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson  
27 (Jim); Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen;  
28 Vehle; White

So the question having received an affirmative vote of a majority of the members-elect, the President declared the reappointment confirmed.

The Senate proceeded to the consideration of the executive reappointment of Barry Jensen of Mellette County, White River, South Dakota, to the Game, Fish and Parks Commission.

The question being "Does the Senate advise and consent to the executive reappointment of Barry Jensen pursuant to the executive message as found on page 46 of the Senate Journal?"

And the roll being called:

Yeas 35, Nays 0, Excused 0, Absent 0

Yeas:

Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock); Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

So the question having received an affirmative vote of a majority of the members-elect, the President declared the reappointment confirmed.

## CONSIDERATION OF CONSENT CALENDAR ITEMS

SB 8: FOR AN ACT ENTITLED, An Act to exempt certain transactions entered into by the State Investment Council and Division of Investment from certain procurement requirements.

Was read the second time.

The question being "Shall SB 8 pass as amended?"

And the roll being called:

Yeas 35, Nays 0, Excused 0, Absent 0

Yeas:

Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock); Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

1 So the bill having received an affirmative vote of a majority of the members-elect, the  
2 President declared the bill passed and the title was agreed to.

3 SB 43: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding lease  
4 purchase agreement payments and to ratify certain lease purchase agreements with the Health  
5 and Educational Facilities Authority.

6 Was read the second time.

7 The question being "Shall SB 43 pass?"

8 And the roll being called:

9 Yeas 35, Nays 0, Excused 0, Absent 0

10 Yeas:

11 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);  
12 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);  
13 Lederman; Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson  
14 (Jim); Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen;  
15 Vehle; White

16 So the bill having received an affirmative vote of a majority of the members-elect, the  
17 President declared the bill passed and the title was agreed to.

18 SB 38: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the state  
19 communications system and the South Dakota law enforcement telecommunications system.

20 Was read the second time.

21 The question being "Shall SB 38 pass?"

22 And the roll being called:

23 Yeas 35, Nays 0, Excused 0, Absent 0

24 Yeas:

25 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);  
26 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);  
27 Lederman; Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson  
28 (Jim); Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen;  
29 Vehle; White

30 So the bill having received an affirmative vote of a majority of the members-elect, the  
31 President declared the bill passed and the title was agreed to.



1                   **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

2                   SB 33: FOR AN ACT ENTITLED, An Act to extend resident tuition eligibility to the  
3 spouses and children of active duty military personnel and of qualifying veterans.

4                   Was read the second time.

5                   The question being "Shall SB 33 pass?"

6                   And the roll being called:

7                   Yeas 35, Nays 0, Excused 0, Absent 0

8                   Yeas:

9                   Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);  
10 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);  
11 Lederman; Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson  
12 (Jim); Rempelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen;  
13 Vehle; White

14                  So the bill having received an affirmative vote of a majority of the members-elect, the  
15 President declared the bill passed and the title was agreed to.

16                  SB 48: FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to the  
17 operation of personal watercraft.

18                  Was read the second time.

19                  The question being "Shall SB 48 pass?"

20                  And the roll being called:

21                  Yeas 35, Nays 0, Excused 0, Absent 0

22                  Yeas:

23                  Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);  
24 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);  
25 Lederman; Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson  
26 (Jim); Rempelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen;  
27 Vehle; White

28                  So the bill having received an affirmative vote of a majority of the members-elect, the  
29 President declared the bill passed and the title was agreed to.

3 Which motion prevailed.

6 Kay Johnson, Secretary